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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,792	12/14/2004	Robert Meisenecker	30566358USWO	8710
55895 7590 03/22/2007 GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			EXAMINER JONES, HUGH M	
			ART UNIT 2128	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/517,792

Applicant(s)

MEISENECKER, ROBERT

Examiner

Hugh Jones

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-10, 12-14, 16-21 of U. S. Application 10/517,792, filed 12/14/2004, are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-10, 12-14, 16-21 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Clauss. Clauss discloses user interaction via pop-ups to correct errors caused the user in a CAD program. As stated in the abstract:

The present invention provides an improved error recovery method and apparatus for computer aided design (CAD) environments. When a failure is identified in a feature of a CAD assembly, a set of treatments is automatically provided for the failure from which to select. The set of treatments is based, at least in part, on the particular failure. In one embodiment, information to identify and/or illustrate one or more failures within a particular feature is collected and stored in persistent memory. Then, when the particular feature is indicated, the information can be retrieved and provided in various formats, including text, graphics, and/or procedures, to assist a user in better understanding the failures. In another embodiment, when a treatment is selected from a set of treatments for a particular failure, the selected treatment is automatically initiated.

Specifics are provided below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 3-10, 12-14, 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause in view of Clauss.

7. Krause doesn't expressly disclose that the error is caused by the user (although it would appear that the teaching in Krause is such that the disclosed system is capable of the functionality required to meet the claimed limitations).

8. Clauss discloses user interaction to correct errors caused by the user in a CAD program. Specifics are provided below.

9. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Krause teaching with the Clauss teaching because Clauss discloses (col. 1, lines 35-45) that CAD errors may occur when a user is operating the CAD program.

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10. Specifically, Krause et al. and Clauss disclose :

1. A method for solving problems that are related to geometrical properties of objects processed by a CAD program, said method comprising the following steps performed by a computer:

identifying a problem that is caused by a user and related to a geometrical property of at least one object processed by said CAD program [K: abstract; see entire paper; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery],

displaying an indicator symbol in a drawing window of said CAD program, said indicator symbol being shown in graphical association with at least one entity processed by said CAD program, said entity being related to said identified possible problem [K: sections 3-4. See fig. 5-6; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery],

receiving a user related to the indicator symbol (26, 52) [K: sections 3-4; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery],

providing problem solving assistance to the user in response to said user input wherein said problem solving assistance comprising presenting said user with at least one problem solving command that the use can select interactively [K: section 5; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery].

3. The method of claim 1, wherein said problem solving command is only executed in response to a further user action [K: sections 3-4; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery].

4. The method of claim 1, wherein said problem solving assistance provided to said user comprises presenting said user with a description of said problem [K: sections 3-4; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery].

5. The method of claim 1, wherein said problem is identified by the computer during execution of an operation of said CAD program [K: sections 3-4; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery].

6. The method of claim 5, wherein said operation of said CAD program is a dimensioning operation [K: sections 3-4; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery].

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7. The method of claim 1, wherein said problem is identified in response to an initial user action indicating at least one problem-related entity processed by said CAD program [K: sections 3-4; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery].

8. The method of claim 1, comprising the further steps of: determining whether or not the problem has been solved, and removing the indicator symbol if the problem has been solved [K: sections 3-4; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery].

19-21: wherein said problem is identified dynamically as the user is working in the CAD program [K: sections 3-4; fig. 5; pg. 252 - col. 2; C: fig. 3-4, 7, 10-12; col. 4, line 18 to col. 8, line 35 discloses the method for user interactive error recovery].

11. Claims 9-10, 12-14, 16-18 are rejected for the same reasons.

Response to Arguments

12. Applicant's arguments, filed 12/22/2006, have been carefully considered and are not persuasive.

13. Applicants are thanked for the amendments. The objections to the claims and specification are withdrawn.

14. The 112 rejections are withdrawn in view of the amendments.

15. The arguments regarding the art rejections are moot in view of the new rejections.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be:

directed to: Dr. Hugh Jones telephone number (571) 272-3781,

Monday-Thursday 0830 to 0700 ET,

or

the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

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or (703) 308-1396 (for informal or draft communications, please label *PROPOSED* or *DRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

March 15, 2007

HUGH JONES Ph.D.
PATENT EXAMINER
TECHNOLOGY CENTER 2100